

OPINION | The 2025 Sifa regional elections are unlawful

By Dennis Mumble

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*A file photo of former Sifa CEO Dennis Mumble during a press conference at Sifa House in Johannesburg in June 2017
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In December 2024, Sifa CEO Lydia Monyepao issued an unprecedented circular requesting the dates of regional elections and directing that these elections must be held before the end of March 2025.

This directive was framed as facilitating the national body's logistical preparations for deploying election observers.

However, aside from the association's well-documented financial constraints that render such expenditure on electoral oversight imprudent, the circular itself is fundamentally flawed, as it contravenes several Fifa and South African electoral principles.

The electoral governance principles

To fully appreciate the gravity of the issue, it is essential to examine the foundational principles that govern football electoral processes.

Fifa's interaction with its members is that of a mother body relating to its autonomous affiliates.

Long-standing Fifa jurisprudence, guided by the principles of the Court of Arbitration for Sport, among others, holds that the rules of a parent football body are not ipso facto [by the fact itself] applicable in its affiliates unless it is incorporated into that affiliate's rules in one way or another because each organisation is governed by its own constitution.

The same principle therefore holds true for Safa and its relationship with its members, each one being a *universitas* governed by its own constitution.

Fifa controls the sport globally through an agency model of governance using its regulations and a principle of non-interference and respects the autonomy of its members in their respective jurisdictions.

To illustrate the point, the Fifa governance regulations do not apply directly to elections in Safa because it specifically deals with the election of the Fifa president and not with the South African electoral framework.

The governance regulations are underpinned by the principles of standardised election processes, transparency and integrity, fair candidate selection, independent oversight, and the provision of appeals mechanisms.

All other Fifa regulations adhere to the same fundamental principle.

Global sports law mandates that such regulations be clear and precise, drawing a crucial distinction between those that are broadly drawn and permissible and those that are vague and imprecise, the latter being regarded as undesirable.

On the one hand, just because a rule is broadly drawn does not make it automatically irregular.

On the other hand, if the nature and wording of the rules are not specific enough and consistent to be incorporated into the member's rules, they are to be considered vague and irregular.

This vagueness lends itself to a lack of precision, uncertainty and inconsistency, and inevitably leads to an abuse of power.

Fifa only intervenes in its members' elections when gross irregularities have become evident and because the Fifa statutes specifically authorise such intervention.

It may send invited observers, but these observers have no authority to certify members' elections or to interfere with the electoral processes, consistent with the principle of autonomy.

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Fifa also requires that its member associations' constitutions guarantee the complete independence of its elections, and it also incorporated these principles into the Fifa standard electoral code that members are obliged to use as a template for their own electoral processes.

Safa adopted its Fifa-aligned electoral code in 2013 but it has ignored it lately in favour of a chairperson of a governance committee without regulations governing electoral oversight in line with the electoral principles previously mentioned. These principles prevent direct intervention by any Safa body other than the one tasked with overseeing the electoral processes.

Standing or Ad Hoc Committee or Safa staff members are not members of the Governance Committee or the Electoral Committee and are therefore not empowered to "oversee" or intervene in elections anywhere.

So, Safa cannot intervene in its members' electoral processes based on the following:

- the autonomy principle;
- the separation of powers principle;
- the vagueness of a rule which allows the National Executive Committee (NEC) to decide on matters if the Fifa or CAF rules are silent on a matter at hand;
- and the fundamental principles of natural justice, including procedural fairness, impartiality, and adherence to the rule of law.

The separation of powers principle

The separation of powers principle should be enough to prevent another body like the NEC, a committee, or the secretariat from interfering in any election in the association.

Moreover, silence does not denote consent, especially if the fundamental principles of good governance lean against such intervention, as demonstrated above.

It is common cause that a voluntary association like Safa cannot act outside its own constitution. If it does, the courts may then intervene.

The irregular nature of the December 2024 circular, as stated elsewhere in this article, means that each Safa member functions as a universitas, governed by its own constitution and vested with the authority to make independent decisions within its established legal framework.

Safa lacks the unilateral power to impose decisions upon its affiliates that would compel them to act in contravention of their own constitutions.

The December 2024 circular presents multiple legal and procedural problems.

Most notably, the terms of office for Safa regional executive committees are clearly stipulated in their respective constitutions.

Article 25.1 of the Safa standard statutes, read together with Articles 25.20 and 25.24, specifies that the term of office for elected officials is no less than four years or until their successors are elected at an elective congress.

The most recent regional elections were held at the end of May 2022, following a directive issued by Safa's congress on 26 March 2022.

Even if one were to assume—albeit with some doubt—that this directive was lawful, it is evident that the terms of office for all regional executive bodies remain in effect until the end of May 2026.

Any attempt by Safa to shorten the tenure of duly elected officials within its member associations would constitute a clear violation of their constitutions, representing both an unwarranted overreach and a blatant abuse of power.

What renders the directive even more concerning is the national association's history of selectively enforcing the March 2022 resolution, thereby establishing an inconsistent and legally questionable precedent.

While certain regions—such as one in Limpopo—were allowed to forgo elections in 2022 based on prior electoral cycles, others faced punitive measures for minor deviations from the prescribed timelines.

Paradoxically, in the same province, another regional executive committee was summarily removed simply for scheduling its elections two weeks beyond the deadline in order to adhere to its own constitutional framework.

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This inconsistency was coupled with blatant interference in the 2021/2022 regional electoral processes by Safa's election "observers".

For 31 years—until 2021/22—Safa refrained from such interventions, having sent observers only in extreme circumstances.

These "observers" then became arbiters, taking decisions and issuing unlawful directives aimed at preserving regional leadership that was aligned with the national leadership.

The Safa standard statutes for regions requires that members conduct their elections in accordance with the 2013 Safa electoral code, which has not yet been officially rescinded by the Safa Congress and which is itself predicated on the Fifa standard electoral code.

There is no provision in any of these codes for observers to play any official role in the electoral process.

The directive issued in December 2024 must therefore be seen as an attempt to replicate the manipulations that marred the 2022 elections. It builds on a dangerous precedent allowing national leadership to continue dictating electoral outcomes.

It is an affront to democracy, the rule of law, and the fundamental principles of good governance. It would be a travesty of justice if this manipulation is allowed to persist.

- *Dennis Mumble is a former Safa CEO who served from 2013 to 2018.*